

### **REMARKS**

Applicant gratefully acknowledges that the Examiner has found claim 4 to define patentable subject matter.

Applicant also gratefully notes that the claim of priority is acknowledged and perfected.

The foregoing amendment in claim 1, line 4, adds "reproducing device" as suggested by the Examiner to overcome the objection to this claim.

The claimed invention is a reproducing-only device, not a device that records on, and reproduces from, an optical disc. The optical/technical requirements for recording and reproducing are distinct, and the technical fields are different.

Here, the claimed invention deals with the noise and power problems when the reproducing must deal with single and bi-layer optical disks and reproducing operation can occur at normal or high (double) speed. These problems, particularly as they relate to reproducing using blue laser light, and the deficiencies of certain prior art solutions are discussed in the specification at pages 2-4. The present claimed solution switches between low and high power modes of reproducing operation for the light source, and also attenuates the light output, but does so only in the lower power state. The foregoing amendments in claims 1 and 8 define low and high power with enhanced clarity.

Applicant respectfully traverses the rejection of claims 1-3 and 5-14 under 35 USC 102(e) as anticipated by Nishi et al. U.S. published application No. 2003/0179671 ("Nishi").

First, and importantly, Nishi discloses a recording and reproducing apparatus and method. All its claims are "optical recording medium driving device" or method. As noted above, the present claims are directed to a reproducing device.

Second, the foregoing amendments define low and high power reproduction operation modes in a way not defined by Nishi, and all the pending claims specify that the attenuation means operates "only in the low power operation mode." Nishi does not teach or suggest this.

These differences between the present invention and Nishi are reflected in the concrete way that the "laser source power control means" controls the power to the laser light source.

In the optical pickup of the present invention, an ON/OFF of the liquid crystal element 13, can control whether to introduce a phase difference in the laser beam passing through the liquid crystal element 13 (the attenuating means). Switching between the high-power operation mode and the low-power operation mode is made in this manner. In other words, the operation modes are switched only by switching ON/OFF of applied voltage to the liquid crystal layer of the liquid crystal element 13. (See p. 14, line 11, to page 15, line 4 of the specification.)

Further, in coordination with the switching of the liquid crystal element 13, the laser diode power control section 5 (the laser source power control means) switches the laser output modes of the laser diode 11 (laser source) between the low-power operation mode and the high-power operation mode. (See p. 15, lines 5-23 of the specification.)

Nishi et al does not disclose (i) switching a liquid crystal element in accordance with an operation mode selected for reproducing and (ii) switching the output control modes of a laser diode in accordance with the switching of the liquid crystal element.

In view of the above amendments and remarks, Applicant believes the pending claims patentably distinguish over the art of record and that this application is otherwise in condition for allowance.

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